



**Borough of Atlantic Highlands Planning Board Meeting Minutes
Borough Hall, 100 First Ave., Atlantic Highlands, NJ
October 5, 2023**

WORKSHOP MEETING

Roll Call:

PRESENT: Mr. Caccamo, Councilman Dougherty, Mr. Hawley, Mr. Josko, Mr. Krupinski, Ms. Majewski, Vice Chair Neff, Chair McGoldrick, Dr. Zuzulock, Mr. Kurdes, Ms. Walter

ABSENT: Mr. Boms, Mr. Berth

Also Present: Board Attorney Michael Steib, Esq., Board Engineer Bennett Matlack, Jessica McLane to operate the Zoom technology for those seeking to attend remotely, and Board Secretary Nancy Tran.

Chair McGoldrick called the meeting to order at 7:02pm and stated that the meeting is being held in compliance with the Open Public Meetings Act. Chair McGoldrick stated that notice of this meeting has been transmitted to the Asbury Park Press and the Two River Times, continuously posted in the Borough Hall on a bulletin board reserved for such announcements and filed in the office of the Municipal Clerk of Atlantic Highlands, on October 3, 2023. He stated that formal action would be taken.

Public Comment: There were no public comment.

Litigation: Mr. Steib stated that there were no pending litigation.

Other Business:

Traffic Study Requirements – Mr. Steib explained the Board’s role and jurisdiction in relation to the ordinance. Mr. Hawley asked for clarification if the Board could hire its own expert regardless if the applicant supplies their own. Chair McGoldrick asked when the Board could make its determination for need of an expert. Councilman Dougherty asked whether an applicant is required to supply a traffic expert at all. Chair McGoldrick asked Mr. Steib if his other Boards have such requirements in place. Mr. Hawley raised the issue of steep slope experts.

Review of DRAFT Ordinance for CBD and HBD – Councilman Dougherty gave a brief background for the Ordinance and introduced Ms. Malvika, a planner for CME. Ms. Malvika explained her thought process in drafting the ordinance. She noted that the Council was being proactive in wanting to get feedback from the Planning Board before introducing the Ordinance. She then fielded questions from the Board.

Councilman Dougherty asked for consideration of density vs. FAR. Ms. Majewski voiced agreement for some points but disagreed with design standards as they are subjective. Discussion ensued regarding design standards with Mr. Krupinski, Chair McGoldrick, and Mr. Kurdes. Ms. Majewski suggested utilizing “Shall” vs. “Should” statements instead.

Mr. Kurdes noted that 1st Ave. needed the most help and that parking is the biggest issue. Ms. Walter asked for clarification of mixed use and suggested to define type of commercial use

allowed/preferred. Discussion ensued regarding type of commercial businesses, parking, and developers with Mr. Kurdes, Councilman Dougherty, Mr. Hawley, Dr. Zuzulock, Vice Chair Neff, Ms. Majewski, Mr. Krupinski, Chair McGoldrick, and Mr. Caccamo.

Chair McGoldrick asked for volunteers for formation of subcommittee to present hot Planning Board topics at the December Council meeting. Councilman Dougherty noted that a collaboration of the Planning Board and Council is important. Vice Chair Neff noted that the Planning Board can identify and share trends with Council. Mr. Steib shared that other Board have long range, continuing committees that share reports with Council. Councilman suggested that Board Members forward their thoughts and comments with Ms. Malvika.

Workshop Adjournment

Mr. Krupinski made a motion to adjourn workshop and Ms. Majewski seconded. All were in favor. Workshop adjourned at 7:56pm.

REGULAR MEETING

Roll Call:

PRESENT: Mr. Caccamo, Councilman Dougherty, Mr. Hawley, Mr. Josko, Mr. Krupinski, Ms. Majewski, Vice Chair Neff, Chair McGoldrick, Dr. Zuzulock, Mr. Kurdes, Ms. Walter

ABSENT: Mr. Boms, Mr. Berth

Also Present: Board Attorney Michael Steib, Esq., Board Engineer Bennett Matlack, Jessica McLane to operate the Zoom technology for those seeking to attend remotely, and Board Secretary Nancy Tran.

Approval of September 7, 2023 Meeting Minutes

Motion to approve: Mr. Josko

Second: Mr. Krupinski

Ayes: Mr. Caccamo, Councilman Dougherty, Mr. Josko, Mr. Krupinski, Ms. Majewski, Chair McGoldrick, Mr. Kurdes, Ms. Walter

Nays: None

Abstain: Dr. Zuzulock

Ineligible: Mr. Hawley, Vice Chair Neff, Dr. Zuzulock

Absent: Mr. Boms, Mr. Berth

Approval of September 19, 2023 Special Meeting Minutes

Motion to approve: Vice Chair Neff

Second: Ms. Majewski

Ayes: Mr. Caccamo, Mr. Hawley, Mr. Josko, Mr. Krupinski, Ms. Majewski, Vice Chair Neff, Chair McGoldrick, Mr. Kurdes, Ms. Walter

Nays: None

Abstain: Councilman Dougherty

Ineligible: Mr. Hawley, Dr. Zuzulock

Absent: Mr. Boms, Mr. Berth

Approval of Attorney Vouchers for July 2023

Motion to approve: Ms. Majewski

Second: Mr. Krupinski

Ayes: Mr. Caccamo, Councilman Dougherty, Mr. Hawley, Mr. Josko, Mr. Krupinski, Ms. Majewski, Vice Chair Neff, Chair McGoldrick, Dr. Zuzulock

Nays: None

Abstain: None

Absent: Mr. Boms, Mr. Berth

**Memorializing Resolution PB23-04: Sandy Hook Scooter – 25 W Highland, Block 123.01 Lot 1.01
IN THE MATTER OF RESOLUTION DISMISSING
APPLICATION NO. PB#23-04 APPLICATION WITHOUT PREJUDICE
OF SANDY HOOK SCOOTER
BLOCK 123.01 LOT 1.01**

WHEREAS, SANDY HOOK SCOOTER, hereinafter the "Applicant", has proposed the development of property located at 25 West Highland Ave. in the Borough of Atlantic Highlands, County of Monmouth, and State of New Jersey, which property is further known and designated as Block 123.01, Lot 1.01, on the Tax Map of the Borough of Atlantic Highlands; and

WHEREAS, the Applicant has applied to the Planning Board of the Borough of Atlantic Highlands for a use variance to permit a nonconforming retail use requiring use variance and site plan approval; and

WHEREAS, by e-mail dated August 5, 2023, the Applicant requested a that the application be withdrawn without prejudice; and

WHEREAS, at its meeting conducted on September 7, 2023 the Planning Board considered the request and, having not commenced a hearing and having made no determination as to the merits of the application, the Planning Board finds that the application should be dismissed without prejudice.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Atlantic Highlands on this 5th day of October, 2023 that the request for dismissal without prejudice of **SANDY HOOK SCOOTER** be and is hereby granted and the application is dismissed without prejudice.

BE IT FURTHER RESOLVED, that nothing herein shall excuse compliance by the Applicant with any and all other requirements of this Municipality or any other governmental entity.

BE IT FURTHER RESOLVED, that a written copy of this Resolution certified by the Secretary of the Planning Board to be a true copy be forwarded to the Applicant, to the Code Enforcement Official of the Borough of Atlantic Highlands and to the Construction Code Official of the Borough of Atlantic Highlands. A written copy of the certified Resolution shall also be filed in the Office of the Administrative Officer of the Municipality which copy shall be made available to any interested party and available for public inspection during normal business hours.

BE IT FURTHER RESOLVED that a proper notice of this decision be published once in the official newspaper of the municipality or in a newspaper in general circulation within the Borough.

Motion to approve: Mr. Josko

Second: Ms. Majewski

Ayes: Mr. Caccamo, Councilmember Dougherty, Mr. Josko, Mr. Krupinski, Ms. Majewski, Dr. Zuzulock, Mr. Kurdes, Chair McGoldrick

Nays: None

Abstain: None

Ineligible: Mr. Hawley, Vice Chair Neff

Absent: Mr. Boms, Mr. Berth

Memorializing Resolution PB22-26: Torres – 148 Bayside Dr., B61 L4

IN THE MATTER OF

APPLICATION NO. PB 22-26

OF JAVIER TORRES & DORA DILLMAN

BLOCK 1 LOT 7

RESOLUTION GRANTING

VARIANCE APPROVAL

WHEREAS, JAVIER TORRES AND DORA DILLMAN, hereinafter the "Applicant", has proposed the development of property located at 148 Bayside Drive, in the Borough of Atlantic Highlands, County of Monmouth, and State of New Jersey which property is further known and designated as Block 1, Lot 7 on the Tax Map of the Borough of Atlantic Highlands; and

WHEREAS, the Applicant has applied to the Planning Board of the Borough of Atlantic Highlands for Variance approval to permit the construction of two dormer additions along with elevated rear decks on the second and third floors and expansion of the ground floor rear deck requiring Variance relief for construction on an undersized lot with a proposed height of 3 stories where 2.5 stories are permitted. The foregoing is contrary to the provisions of Chapter 150, Article V, Section 150-29 (A)(2)(Exhibit 5-2) of the Development Regulations of the Borough of Atlantic Highlands; and

WHEREAS, the subject property is located in the R-3 Residential Zone District and single family residential homes with associated accessory structures are a permitted use in the zone; and

WHEREAS, the Applicant appeared before the Planning Board of the Borough of Atlantic Highlands on September 7, 2023, due notice of said meeting having been given in accordance with New Jersey Statutes, the Open Public Meetings Act and the Municipal Land Use Law and a quorum of the Planning Board being present the application was heard; and

WHEREAS, the Applicant's witnesses were sworn and the Planning Board having heard the testimony of the Applicant's witnesses and having examined the exhibits submitted by the Applicant and having considered all of the evidence presented in favor of or in opposition to the application, the Planning Board has made the following findings of fact:

1. The Planning Board has received and reviewed the following documents, Exhibits and reports:

- 1.1 Zoning Review of Zoning Michelle Clark, dated November 21, 2022, marked as Exhibit A-1 in evidence.
- 1.2 Application for Variance of Javier Torres, dated December 5, 2022, with checklist marked as Exhibit A-2 in evidence.
- 1.3 Survey prepared by Charles Surmonte, dated March 18, 2019, marked as Exhibit A-3 in evidence.
- 1.4 Dormer addition & Deck addition Plans with Elevation & Floor Plans, prepared by Thomas Dores, Architect, dated October 24, 2022, marked as Exhibit A-4 in evidence.
- 1.5 Review #1 of CME Associates, dated January 30, 2023, marked as Exhibit A-5 in evidence.
- 1.6 Steep Slope Analysis & Site Plan, prepared by Alice Kupper, P.E., dated April 26, 2023, marked as Exhibit A-6 in evidence.
- 1.7 Correspondence from Engineer Kupper, dated June 5, 2023, marked as Exhibit A-7 in evidence.
- 1.8 Review #2 of CME Associates, dated July 14, 2023, marked as Exhibit A-8 in evidence.
- 1.9 Freehold Soil Conservation District Letter of Exemption, dated July 25, 2023, marked as Exhibit A-9 in evidence.
- 1.10 Application for Coastal Area Applicability Determination of A. Kupper, P.E., dated July 28, 2023, marked as Exhibit A-10 in evidence.
- 1.11 Topographic Survey, prepared by Charles Surmonte, P.E., dated February 22, 2023, marked as Exhibit A-11 in evidence.
- 1.12 Preliminary & Final Plan, prepared by A. Kupper, P.E., dated August 3, 2023, marked as Exhibit A-12 in evidence.
- 1.13 Lot Grading & Sewage Disposal Plan, prepared by French Parello & George Cooper Rudolph, Architects, dated 2004, marked as Exhibit A-13 in evidence.
- 1.14 Topographic & Boundary Survey, prepared by Charles Surmonte, P.E., dated February 22, 2023, marked as Exhibit A-14 in evidence.
- 1.15 Photograph from deck to rear of property, marked as Exhibit A-15 in evidence.
- 1.16 Photograph of wall on property, marked as Exhibit A-16 in evidence.
- 1.17 Photograph of railing facing north, marked as Exhibit 17 in evidence.

2. The premises in question are located at 148 Bayside Drive, in the Borough of Atlantic Highlands, County of Monmouth and State of New Jersey, which property is further known and designated as Block 1, Lot 7 on the Tax Map of the Borough of Atlantic Highlands.

3. The subject property is located in the R-3 Residential Zone District and single-family residential homes with associated accessory structures is a permitted use in the Zone.

4. The property in question has approximate dimensions of 51.68 ft. x 49.66 ft. x 250.10 ft. x 97.90 ft. x 299.31 ft. and is quadrilateral in shape with angular front and rear property lines. The property has an existing lot area of 26,594 square feet which is an undersized lot in the zone which requires 30,000 square feet of lot area. The property is presently developed with a 2.5 story dwelling with a covered front porch, detached garage, two paver driveways and rear deck. The Applicant proposes to construct two dormer additions to the existing home as well as additional elevated rear decks on the second and third floors and expansion of the ground floor deck requiring Variance relief as previously noted herein.

5. Testimony was provided the Applicant, his Engineer Alice Kupper, a licensed professional Engineer in the State of New Jersey and Jeffrey Dunn, a licensed Contractor and Builder. They provided testimony that the existing home was constructed in approximately 2005, at which time it complied with the zoning regulations of the Borough. The home is a built slab on grade. The proposed dormers will not exceed the existing maximum roof height and will add decks to enhance views.

6. The Applicant advised that, although the property is within the CAFRA Zone, they have received a non-applicability determination and do not require a CAFRA approval. The Applicant agreed that the plans will be consistent with the report of the Planning Boards Engineer marked as Exhibit A-8 in evidence. The Applicant provided testimony that there will be no additional landscaping and no tree removal in connection with this application. The Applicant further confirmed that the property has six parking spaces plus two garage spaces which are sufficient for the five-bedroom home that is proposed as RSIS requires only three spaces.

7. Engineer Kupper testified that stormwater will be contained with an onsite system and no runoff through adjacent properties. The Applicant's Engineer agreed to provide plans to demonstrate and confirm no adverse stormwater impacts prior to the issuance of construction permits. The Applicant provided testimony that the current septic system is designed for a five-bedroom home and will not require modification to accommodate the proposed improvements.

The Applicant's builder testified that there will be care exercised in connection with the proposed construction. Material will be staged onsite in the driveway area and there will be no storage of equipment within the construction area. He testified that the footings for the improvements will be hand dug without the use of heavy equipment and that the dormers will require only exterior framing and sheathing. The Applicant testified that concrete for any foundation or footings will be brought by wheel barrel and not by trucks. Mr. Dunn further testified that a dumpster for the minimal debris that will result from construction will be maintained on site.

8. The Planning Board finds that the Applicant has satisfied the positive criteria for the grant of the requested Variance relief. The Planning Board finds that this is an existing structure and that the proposed amenities cannot be incorporated into the building without the requested Variance relief. Therefore, the Planning Board finds that an extraordinary and exceptional situation uniquely effecting this specific piece of property and the structures lawfully existing thereon exists such that the strict application of the Borough of Atlantic Highlands Development Regulations would result in peculiar and exceptional practical difficulties to and exceptional and undue hardship upon the Applicant as it would prevent the Applicant from having these appropriate amenities. Thus, the Planning Board finds that a hardship does exist with respect to this property.

9. The Planning Board further finds that the grant of the requested Variance relief will not result in any substantial detriment to the public good. The Planning Board finds that the proposed addition complies with all of the dimensional Zoning standards including front, side and rear setbacks, building coverage, impervious coverage and floor area ratio. The Planning Board further notes that, although technically three stories in height, the structure has an actual building height of 31.5 feet which is less than the 35 foot height permitted within the R-3 Zone District. Based on the foregoing, the Planning Board finds that the proposed additions will have little or no impact upon the surrounding properties and neighborhood and will have no impact upon the streetscape as the building is set back more than three times the required 25 feet. Thus, the Planning Board finds that the grant of the requested Variance relief will not result in any substantial detriment to the public good as any impacts to the surrounding properties and the neighborhood are di minimis.

10. The Planning Board further finds that the grant of the requested variance relief will not result in any substantial impairment of the Zone Plan or Zoning Ordinance. in this case the Planning Board notes that the Ordinance sets two height standards, one by stories and one by feet. Although exceeding the allowable number of stories the building will be 10% lower than the allowable height in feet. The Planning Board finds that the Ordinance provisions were designed in order to ensure that buildings and structures do not appear to be overly imposing upon the streetscape and surrounding properties and will not impede light, air and open space. In this case the Planning Board finds that the proposed improvements will not have the impacts sought to be avoided by the Ordinance provisions and therefore does not offend the intent or purpose of the Ordinance provision.

11. As a result of all of the foregoing the Planning Board finds that the Applicant has satisfied the positive and negative criteria for the grant of the requested Variance relief and that the Variance can and should be granted at this time.

12. The Planning Board further finds that all property owners within 200 ft. of the premises in question were given proper notice of the hearing of this application and were provided with an opportunity to present testimony and evidence in support of, or in opposition to, the appeal.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Atlantic Highlands on this 5th day of October, 2023 that the Application of **JAVIER TORRES**, be and is hereby approved, which approval is expressly conditioned upon compliance with the following terms and conditions:

GENERAL CONDITIONS –

- 1) This approval is subject to the accuracy and completeness of the submissions, statements, exhibits and other testimony filed with, or offered to, the Board in connection with this application, all of which are incorporated herein by reference and specifically relied upon by the Board in granting this approval. This condition shall be a continuing condition subsequent which shall be deemed satisfied unless and until the Board determines (on Notice to the Applicant) that a breach hereof has occurred.
- 2) In the event that any documents require execution in connection with the within approval, such documents will not be released until all of the conditions of this approval have been satisfied unless otherwise expressly noted.
- 3) No taxes or assessments for local improvements shall be due or delinquent on the subject property.
- 4) The Applicant shall pay to the municipality any and all sums outstanding for fees incurred by the municipality for services rendered by the municipality's professionals for review of the application for development, review and preparation of documents, inspections of improvement and other purposes authorized by the Municipal Land Use Law. The Applicant shall provide such further escrow deposits with the municipality as are necessary to fund anticipated continuing municipal expenses for such professional services, if any, in connection with the Application for Development as may be authorized by the Municipal Land Use Law.
- 5) The Applicant shall furnish such Performance Guarantees, Temporary Certificate of Occupancy Guarantees, Safety and Stabilization Guarantees, Maintenance Guarantees, Inspection Fees and such other Guarantees or fees as may be required pursuant to the Municipal Land Use Law and the Ordinances of this Municipality for the purpose of assuring the installation and maintenance of on-tract/off-tract and private site improvements.
- 6) No site work shall be commenced or plans signed or released or any work performed with respect to this approval until such time as all conditions of the approval have been satisfied or otherwise waived by the Board.
- 7) Any and all notes, drawings or other information contained on any approved plans shall be conditions of this approval.
- 8) Nothing herein shall excuse compliance by the Applicant with any and all other requirements of this municipality or any other governmental entity. This approval is conditioned upon compliance by the Applicant will all Ordinances and Regulations of this Municipality.
- 9) In the event any de minimis exception has been granted from the Residential Site Improvement Standards Regulations in connection with this application, a copy of this resolution shall be sent to the New Jersey Department of Community Affairs, Division of Codes and Standards, 101 South Board Street, CN 802, Trenton, New Jersey 08625-0802 within thirty (30) days of the date hereof. Said

copy of this resolution shall be clearly marked on its face with the words "SITE IMPROVEMENT EXCEPTIONS".

10) In the event that the Applicant and the approving authority have agreed that exceeding a standard of the Residential Site Improvement Standards is desirable under the specific circumstances of the proposed development, such Agreement to Exceed RSIS Standards shall be placed, in writing, by the developer and transmitted forthwith to the New Jersey Department of Community Affairs, Division of Codes and Standards, 101 South Broad Street, CN 802, Trenton, New Jersey 08625-0802.

11) The Applicant shall comply with the contribution requirements of the Municipal Affordable Housing Fund as applicable to this application.

12) In the event that this Application involves a subdivision or site plan, such subdivision or site plan shall expire at the conclusion of the period of protection from zoning changes provided for in N.J.S.A. 40:55D-49 or 40:55D-52.a, as applicable, and in no event shall extend beyond the fifth anniversary of the date of adoption of this resolution.

13) In the event that this approval involves the approval of a subdivision, the Applicant shall provide to the Board Engineer and attorney for review and approval, deeds for each of the lots created and shall file such deeds simultaneously with the recording of any subdivision plat.

14) All special conditions shall be included as notes on the plans.

15) All general and special conditions set forth in this Resolution shall be placed as notes on the approved plans as a Resolution compliance requirement.

16) The Applicant shall comply with the requirements of the Municipal Ordinances with respect to its Affordable Housing obligation by either providing the required affordable housing on-site, providing affordable housing off-site or making a contribution of an Affordable Housing fee pursuant to the applicable Municipal Ordinances. This approval is subject to the Applicant paying all applicable fees, including any fee due and owing to the Municipality's Affordable Housing Trust Fund.

Affordable units in inclusionary developments shall have at least 50% low income units (of which at least 13% are very low income). The remaining affordable units shall be moderate income units. The bedroom distribution for affordable units shall be a minimum of 20% three-bedroom units and a maximum of 20% one-bedroom units.

17) This Resolution does not constitute a permit for the construction of the approved improvements. The Applicant shall be responsible for obtaining any and all permits and approvals required **prior to** the commencement of **any** development activities including, but not limited to, N.J.D.O.T., N.J.D.E.P., Monmouth County Planning Board, Freehold Soil Conservation District, Regional and/or Municipal Utility Authority approval, in addition to any and all building and construction permits, required by the Municipality. All work performed shall be in accordance with, and shall not deviate from, the approved plans and all applicable Federal, State, County and Local laws, rules and regulations.

18) As an essential and non-severable condition of this approval, the Applicant shall comply with all Mount Laurel obligations and shall comply with the Municipality's approved Housing Element and Fair Share Plan including but not limited to, any associated implementing Ordinances.

19) The scope of the review of this application is necessarily limited to planning, zoning and land use review of the site as compared to the requirements of the Municipality. The grant of this approval and of any permit or approval in connection therewith shall not constitute a representation, guarantee or warranty of any kind or nature by the Municipality or by any Municipal official or employee thereof with respect to the practicability or safety of any structure, use or other plan proposed and shall create no liability upon or cause of action against the Board, the Municipality or any officials or employees of the Municipality for any damage or injury that result from the construction of the improvements for which this Zoning approval is granted.

SPECIAL CONDITIONS –

1) The approvals granted in connection with this application are for Variance to permit the construction of the proposed two dormer additions, elevated rear decks and expansion of ground floor rear deck with a height of 3 stories where 2.5 stories is permitted with lot area provided of 26,594 square feet where 30,000 square feet is required.

2) The Planning Board notes that, pursuant to the steep slope Ordinance, maximum lot coverage of 5,639 square feet is permitted however, 6,196 is an existing condition which will not be exacerbated by this application.

3) The plans shall be revised to reconcile all inconsistencies with respect to the building coverage calculations as requested in the Planning Board Engineers review #2 at paragraph 9. (b).

4) The Applicant shall provide such structural analysis for approval as may be required by the Planning Board Engineer and Borough Construction Department Office.

5) The Applicant shall provide such runoff calculations as may be required by the Planning Board Engineer to confirm adequate stormwater management design to prevent adverse impacts to adjacent properties.

6) Construction of the improvements shall be performed using techniques consistent with those testified to by the Applicants building contractor, including that materials will be stored in the driveway area, there will be no equipment stored in the construction area, footings will be hand dug and concrete brought to them by wheel barrel. There will be no trucks or heavy equipment utilized in the process and the Applicant shall maintain a dumpster on site.

BE IT FURTHER RESOLVED that nothing herein shall excuse compliance by the Applicant with any and all other requirements of this Municipality or any other governmental entity.

BE IT FURTHER RESOLVED that a written copy of this Resolution, certified by the Secretary of the Planning Board to be a true copy, be forwarded to the Applicant, the Code Enforcement Official of the Borough of Atlantic Highlands, and the Construction Code Official of the Borough of Atlantic Highlands. A written copy of the certified Resolution shall also be filed in the office of the

Administrative Officer of the municipality, which copy shall be made available to any interested party and available for public inspection during normal business hours.

BE IT FURTHER RESOLVED that should the Applicant not exercise this variance within the required time period pursuant to Chapter 150, Article III, Section 150-9.J. these variances will expire.

BE IT FURTHER RESOLVED that a proper notice of this decision be published once in the official newspaper of the municipality or in a newspaper in general circulation within the Borough.

Motion to approve: Ms. Majewski

Second: Dr. Zuzulock

Ayes: Mr. Caccamo, Councilmember Dougherty, Mr. Josko, Mr. Krupinski, Ms. Majewski, Dr. Zuzulock, Mr. Kurdes, Ms. Walter, Chair McGoldrick

Nays: None

Abstain: None

Ineligible: Mr. Hawley, Vice Chair Neff

Absent: Mr. Boms, Mr. Berth

Memorializing Resolution PB23-03: Ruane-Dewis – 6 Bonnie Brae, B17 L3
IN THE MATTER OF **RESOLUTION GRANTING**
APPLICATION NO. PB 23-03 **VARIANCE APPROVAL**
OF PATRICK RUANE & LINDSEY DEWIS
BLOCK 17 LOT 3

WHEREAS, PATRICK RUANE & LINDSEY DEWIS, hereinafter the "Applicant", has proposed the development of property located at 6 Bonnie Brae Path, in the Borough of Atlantic Highlands, County of Monmouth, and State of New Jersey which property is further known and designated as Block 17, Lot 3 on the Tax Map of the Borough of Atlantic Highlands; and

WHEREAS, the Applicant has applied to the Planning Board of the Borough of Atlantic Highlands for Variance approval to permit the construction of first floor and second floor additions to enlarge the kitchen area and to build a new bathroom and new primary closet retaining the existing nonconforming elements as follows:

- a. Lot area of 10,051 square feet where 30,000 square feet is required (Section 152-29.A.(2)(Exhibit 5-2)).
- b. Lot shape diameter of 10 feet where 65 feet is required (Section 152-29.A.(2)(Exhibit 5-2)).
- c. Accessory side yard setback of 8 feet where 10 feet is required (Section 152-29.A.(2)(Exhibit 5-2)).
- d. Building coverage of 15.5% where 12% is permitted (Section 152-29.A.(2)(Exhibit 5-2)).

In addition the Applicant requires the following Variance relief:

- a. Principal front yard setback of 4.4 feet where 25 feet is required (existing to remain with additional volume) (Section 152-29.A.(2)(Exhibit 5-2)).

- b. Principal side yard setback of 0.8 feet where 15 feet is required (Section 152-29.A.(2)(Exhibit 5-2)).
- c. Combined side yard setback of 2.1 feet where 30 feet is required (Section 152-29.A.(2)(Exhibit 5-2)) proposed to remain with additional volume.
- d. Floor area ratio of .28 where 0.175 is permitted (Section 152-29.A.(2)(Exhibit 5-2)).
- e. Enlargement of nonconforming building (Section 150-49.B.).
- f. Alteration of building increasing degree of nonconformance (Section 150-49.G.).
- g. Enlargement of nonconforming building not conforming to all zoning requirements (Section 150-49.1 (2) (b)).

The foregoing is contrary to the provisions of Chapter 150, Article V, Section 150-29 and Article VII, Section 150-49 of the Development Regulations of the Borough of Atlantic Highlands; and

WHEREAS, the subject property is located in the R-3 Residential Zone District and single family residential homes with associated accessory structures are a permitted use in the zone; and

WHEREAS, the Applicant appeared before the Planning Board of the Borough of Atlantic Highlands on September 7, 2023, due notice of said meeting having been given in accordance with New Jersey Statutes, the Open Public Meetings Act and the Municipal Land Use Law and a quorum of the Planning Board being present the application was heard; and

WHEREAS, the Applicant's witnesses were sworn and the Planning Board having heard the testimony of the Applicant's witnesses and having examined the exhibits submitted by the Applicant and having considered all of the evidence presented in favor of or in opposition to the application, the Planning Board has made the following findings of fact:

1. The Planning Board has received and reviewed the following documents, Exhibits and reports:
 - 1.1 Zoning Review of Zoning Officer Clark, dated February 17, 2023, marked as Exhibit A-1 in evidence.
 - 1.2 Application for Variance of Ruane & Dewis, dated March 27, 2023, marked as Exhibit A-2 in evidence.
 - 1.3 Site Plan, Floor Plans & Elevation Drawings, prepared by Paul A. Damiano, Architects, LLC, dated March 31, 2023, marked as Exhibit A-3 in evidence.
 - 1.4 Survey prepared by R&L Land Surveying, dated January 4, 2023, marked as Exhibit A-4 in evidence.
 - 1.5 Review #1 of CME Associates, dated May 19, 2023, marked as Exhibit A-5 in evidence.
 - 1.6 Additions & Alterations Plan, prepared by Paul A. Damiano, Architect, dated May 22, 2023, marked as Exhibit A-6 in evidence.

1.7 Letter from Architect Damiano, dated May 30, 2023, marked as Exhibit A-7 in evidence.

1.8 Survey prepared by R&L Land Surveying, dated January 4, 2023, marked as Exhibit A-8 in evidence.

1.9 Plan prepared by Architect Damiano with photographs, dated March 31, 2023, marked as Exhibit A-9 in evidence.

1.10 Review #2 of CME Associates, dated July 7, 2023, marked as Exhibit A-10 in evidence.

2. The premises in question are located at 6 Bonnie Brae Path, in the Borough of Atlantic Highlands, County of Monmouth and State of New Jersey, which property is further known and designated as Block 17, Lot 3 on the Tax Map of the Borough of Atlantic Highlands.

3. The subject property is located in the R-3 Residential Zone District and single-family residential homes with associated accessory structures are a permitted use in the Zone.

4. The subject property has approximate dimensions of 48.72 ft. x 4.00 ft. x 274.00 ft. x 41.62 ft. x 230.06 ft. and is a long narrow quadrilateral shaped property with a lot area of 10,051 square feet. The property is currently developed with a two-story residential dwelling with ancillary improvements, including a concrete driveway, decks, block walls, brick patio and walkways. As noted previously, the subject property is a substantially undersized lot with an approximate area of only one third of that required in the zone and is an elongated rectangle in shape.

5. The Applicants presented the testimony of Lindsey Dewis, Patrick Ruane and Paul Damiano. Mr. Damiano testified that he is a licensed Architect in the State of New Jersey and has been so for 30 years and has testified numerous times before local Zoning and Planning Boards and been recognized as an expert in the field of architecture. They provided testimony that the subject property is an existing undersized lot with an existing residence only 28 feet in width with a full lot width of only 40 feet. Thus, to comply with the combined side yard setback requirement would leave only room for a 10 feet wide building. They provided testimony that the proposed additions will all be retained within the current building envelope and there will be no change in drainage patterns or to roof discharge. They provided additional testimony that there is substantial landscaping on site and that the building has low visibility from the street and other properties in the neighborhood. The existing home has three bedrooms and with the proposed improvements it will continue to have three bedrooms as the added space will not be utilized for bedrooms but for additional living space. Since no additional bedrooms are proposed, there is no additional demand for onsite parking. Although the subject property presently does not conform with RSIS requirements for two spaces and only has a single garage space, the intensity of use of property will not be increased by the proposed improvements and thus parking demand is not being increased.

6. The Planning Board further finds that the Applicant has satisfied the positive criteria for the grant of the requested variance relief. More particularly, this is a substantially undersized lot with numerous existing nonconforming elements. This, coupled with its unique elongated rectangular shape makes it virtually impossible to comply with the single side yard and combined

side yard requirements. Moreover, the existing structure on the property is located such that additions to the structure will necessarily encroach on the side yard and front yard setbacks. In addition, the undersized nature of the lot makes it extremely difficult to provide a reasonably sized structure consistent with what is anticipated for the R-3 Zone with a conforming useable floor area ratio.

7. As a result of all of the foregoing the Planning Board finds that an extraordinary and exceptional situation uniquely effecting this specific piece of property and the structures lawfully existing thereon exists such that the strict application of the Atlantic Highlands Development Regulations would result in peculiar and exceptional practical difficulties to and exceptional and undue hardship upon the Applicant as it would prevent reasonable additions to the subject property and prevent a structure with living area consistent with that which is contemplated by the R-3 Zone District. Thus, the Planning Board finds that a hardship does exist with respect to this piece of property.

8. The Planning Board further finds that the grant of the requested Variance relief will not result in any substantial detriment to the public good. The Planning Board finds that the proposed additions do not extend beyond the existing building footprint and, although additional building volume may exist within the front setback, principal side setback and combined side back, those impacts are di minimis, will have little or no visual impact upon the streetscape and will have di minimis impacts upon the adjacent properties to the east and west as the structures located thereon are sufficiently distant from the subject property so as not to be substantially negatively impacted by these modest additions. To the rear of the subject property is the Bayshore trail which is several hundred feet from the subject parcel and at a significantly lower elevation such that the additions will have no impact upon that property. As a result of the foregoing, the Planning Board finds that the grant of the requested Variance relief will not result in any substantial detriment to the public good as it will have no substantial negative impacts upon the streetscape, the immediate surrounding properties or the neighborhood.

9. The Planning Board further finds that the grant of the requested Variance relief will not result in any substantial impairment of the Zone Plan or Zoning Ordinance. The Planning Board finds that the purpose of the required lot area, setbacks and floor area ratio requirements are designed to ensure that properties are not overly developed so as to have an overbearing appearance upon adjacent properties and the streetscape, have adverse impacts regarding stormwater management or unreasonably impede upon light, air and open space between properties. The Planning Board finds that the circumstances presented here are an existing residence the setbacks which are not being diminished and the impacts upon light, air and open space and volume of the structure are insubstantial and will not have the impacts sought to be avoided by the Zone Plan and Zoning Ordinance. In addition, the Planning Board finds that this modest increase in useable floor area ratio will not increase the intensity use of the home which will remain a three bedroom, single family residence. Thus, the subject property can accommodate these minor additions. The Planning Board finds that these proposed additions will simply provide for a more comfortable living space and that it will not increase the intensity of use of this lot. Therefore the lot will continue to accommodate any potential problems associated with the increased floor area. The Planning Board finds that any such impacts are di minimis and insubstantial.

10. As a result of all of the foregoing, the Planning Board finds that the Applicant has satisfied the positive and negative criteria for the grant of the requested Variance relief and that the Variances can and should be granted at this time.

11. The Planning Board further finds that all property owners within 200 ft. of the premises in question were given proper notice of the hearing of this application and were provided with an opportunity to present testimony in favor of, or in opposition to, the appeal.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Atlantic Highlands on this 5th day of October, 2023 that the Application of **PATRICK RUANE & LINDSEY DEWIS**, be and is hereby approved, which approval is expressly conditioned upon compliance with the following terms and conditions:

GENERAL CONDITIONS –

1) This approval is subject to the accuracy and completeness of the submissions, statements, exhibits and other testimony filed with, or offered to, the Board in connection with this application, all of which are incorporated herein by reference and specifically relied upon by the Board in granting this approval. This condition shall be a continuing condition subsequent which shall be deemed satisfied unless and until the Board determines (on Notice to the Applicant) that a breach hereof has occurred.

2) In the event that any documents require execution in connection with the within approval, such documents will not be released until all of the conditions of this approval have been satisfied unless otherwise expressly noted.

3) No taxes or assessments for local improvements shall be due or delinquent on the subject property.

4) The Applicant shall pay to the municipality any and all sums outstanding for fees incurred by the municipality for services rendered by the municipality's professionals for review of the application for development, review and preparation of documents, inspections of improvement and other purposes authorized by the Municipal Land Use Law. The Applicant shall provide such further escrow deposits with the municipality as are necessary to fund anticipated continuing municipal expenses for such professional services, if any, in connection with the Application for Development as may be authorized by the Municipal Land Use Law.

5) The Applicant shall furnish such Performance Guarantees, Temporary Certificate of Occupancy Guarantees, Safety and Stabilization Guarantees, Maintenance Guarantees, Inspection Fees and such other Guarantees or fees as may be required pursuant to the Municipal Land Use Law and the Ordinances of this Municipality for the purpose of assuring the installation and maintenance of on-tract/off-tract and private site improvements.

6) No site work shall be commenced or plans signed or released or any work performed with respect to this approval until such time as all conditions of the approval have been satisfied or otherwise waived by the Board.

- 7) Any and all notes, drawings or other information contained on any approved plans shall be conditions of this approval.
- 8) Nothing herein shall excuse compliance by the Applicant with any and all other requirements of this municipality or any other governmental entity. This approval is conditioned upon compliance by the Applicant with all Ordinances and Regulations of this Municipality.
- 9) In the event any de minimis exception has been granted from the Residential Site Improvement Standards Regulations in connection with this application, a copy of this resolution shall be sent to the New Jersey Department of Community Affairs, Division of Codes and Standards, 101 South Board Street, CN 802, Trenton, New Jersey 08625-0802 within thirty (30) days of the date hereof. Said copy of this resolution shall be clearly marked on its face with the words "SITE IMPROVEMENT EXCEPTIONS".
- 10) In the event that the Applicant and the approving authority have agreed that exceeding a standard of the Residential Site Improvement Standards is desirable under the specific circumstances of the proposed development, such Agreement to Exceed RSIS Standards shall be placed, in writing, by the developer and transmitted forthwith to the New Jersey Department of Community Affairs, Division of Codes and Standards, 101 South Broad Street, CN 802, Trenton, New Jersey 08625-0802.
- 11) The Applicant shall comply with the contribution requirements of the Municipal Affordable Housing Fund as applicable to this application.
- 12) In the event that this Application involves a subdivision or site plan, such subdivision or site plan shall expire at the conclusion of the period of protection from zoning changes provided for in N.J.S.A. 40:55D-49 or 40:55D-52.a, as applicable, and in no event shall extend beyond the fifth anniversary of the date of adoption of this resolution.
- 13) In the event that this approval involves the approval of a subdivision, the Applicant shall provide to the Board Engineer and attorney for review and approval, deeds for each of the lots created and shall file such deeds simultaneously with the recording of any subdivision plat.
- 14) All special conditions shall be included as notes on the plans.
- 15) All general and special conditions set forth in this Resolution shall be placed as notes on the approved plans as a Resolution compliance requirement.
- 16) The Applicant shall comply with the requirements of the Municipal Ordinances with respect to its Affordable Housing obligation by either providing the required affordable housing on-site, providing affordable housing off-site or making a contribution of an Affordable Housing fee pursuant to the applicable Municipal Ordinances. This approval is subject to the Applicant paying all applicable fees, including any fee due and owing to the Municipality's Affordable Housing Trust Fund.
Affordable units in inclusionary developments shall have at least 50% low income units (of which at least 13% are very low income). The remaining affordable units shall be moderate income units. The

bedroom distribution for affordable units shall be a minimum of 20% three-bedroom units and a maximum of 20% one- bedroom units.

17) This Resolution does not constitute a permit for the construction of the approved improvements. The Applicant shall be responsible for obtaining any and all permits and approvals required **prior to** the commencement of **any** development activities including, but not limited to, N.J.D.O.T., N.J.D.E.P., Monmouth County Planning Board, Freehold Soil Conservation District, Regional and/or Municipal Utility Authority approval, in addition to any and all building and construction permits, required by the Municipality. All work performed shall be in accordance with, and shall not deviate from, the approved plans and all applicable Federal, State, County and Local laws, rules and regulations.

18) As an essential and non-severable condition of this approval, the Applicant shall comply with all Mount Laurel obligations and shall comply with the Municipality's approved Housing Element and Fair Share Plan including but not limited to, any associated implementing Ordinances.

19) The scope of the review of this application is necessarily limited to planning, zoning and land use review of the site as compared to the requirements of the Municipality. The grant of this approval and of any permit or approval in connection therewith shall not constitute a representation, guarantee or warranty of any kind or nature by the Municipality or by any Municipal official or employee thereof with respect to the practicability or safety of any structure, use or other plan proposed and shall create no liability upon or cause of action against the Board, the Municipality or any officials or employees of the Municipality for any damage or injury that result from the construction of the improvements for which this Zoning approval is granted.

SPECIAL CONDITIONS –

1) The approvals granted in connection with this application are as follows:

- a. Front yard setback of 4.4 feet where 25 feet is required (Section 150-29.A.(2)) (Exhibit 5.2).
- b. Principal side yard setback of 0.8 feet where 15 feet is required (Section 150-29.A.(2)) (Exhibit 5.2).
- c. Combined side yard setback of 2.1 feet where 30 feet is required (Section 150-29.A.(2)) (Exhibit 5.2).
- d. Useable floor area ratio of 0.28 where 0.175 is permitted (Section 150-29.A.(2)) (Exhibit 5.2).
- e. Enlargement of a nonconforming building which enlargement is not conforming (Section 150-49.B.).
- f. Alteration of nonconforming building increasing the degree of nonconformance (Section 150-49.G.).
- g. Enlargement of nonconforming building increasing habitable space which addition does not conform to all requirements of the Ordinance (Section 150-49.I (2)(b)).
- h. Di minimis exception from the RSIS requirements for parking spaces.

2) The Applicant shall comply with the technical comments and recommendations set forth in Review #2 of the Planning Board Engineer, marked as Exhibit A-10 in evidence.

BE IT FURTHER RESOLVED that nothing herein shall excuse compliance by the Applicant with any and all other requirements of this Municipality or any other governmental entity.

BE IT FURTHER RESOLVED that a written copy of this Resolution, certified by the Secretary of the Planning Board to be a true copy, be forwarded to the Applicant, the Code Enforcement Official of the Borough of Atlantic Highlands, and the Construction Code Official of the Borough of Atlantic Highlands. A written copy of the certified Resolution shall also be filed in the office of the Administrative Officer of the municipality, which copy shall be made available to any interested party and available for public inspection during normal business hours.

BE IT FURTHER RESOLVED that should the Applicant not exercise this variance within the required time period pursuant to Chapter 150, Article III, Section 150-9.J. these variances will expire.

BE IT FURTHER RESOLVED that a proper notice of this decision be published once in the official newspaper of the municipality or in a newspaper in general circulation within the Borough.

Motion to approve: Mr. Krupinski

Second: Mr. Josko

Ayes: Mr. Caccamo, Mr. Josko, Mr. Krupinski, Ms. Majewski, Dr. Zuzulock, Mr. Kurdes, Chair McGoldrick

Nays: None

Abstain: None

Ineligible: Councilmember Dougherty, Mr. Hawley, Vice Chair Neff

Absent: Mr. Boms, Mr. Berth

PB23-05: Sohl – 64 Prospect Cir., B74 L7 – Addition

Mr. Steib noted that the Board had jurisdiction and listed application's Exhibits so far.

Brian Parnagian and Matt and Sarah Sohl were sworn in. Mr. Parnagian briefly described the project, the current structure, and its use. He then gave further details of the proposed project and its purpose. Mr. Matlack asked about the cantilever design and if any soil analysis would be done. Dr. Zuzulock asked if the project would change the current footprint. Chair McGoldrick asked about storm runoff.

Chair McGoldrick opened the floor for public questions but there were none.

Douglas Clelland was sworn in as the applicant's engineer and started describing the property and the proposed project. He noted the existing nonconformities and listed proposed variances sought. Mr. Clelland noted the proposed stormwater drainage plans, parking situation, and steep slope. Ms. Majewski asked for clarification of the current driveway and the proposed new size. Mr. Josko asked about materials to be used for the driveway. Mr. Clelland continued his testimony addressing points from the Board Engineer's review. Mr. Matlack asked for clarification for the driveway's grading, retaining wall, size, and drainage; and the variance for lot coverage. Dr. Zuzulock asked for clarification of the runoff due to the change in the driveway and the retaining wall. Mr. Matlack clarified existing nonconformities and proposed stairway setback.

Chair McGoldrick opened the floor for public questions but there were none.

Barbara Ehlman was sworn in as the applicant's planner. She described the property and lot and described the proposed project's impact.

Chair McGoldrick opened the floor for public questions but there were none. He then opened the floor for public comments.

Jeff Slotin, Prospect Cir., was sworn in and voiced his support for the application.

Ms. Majewski thought that a drawing of the retaining wall would be helpful. Dr. Zuzulock would like more details about the retaining wall. Mr. Josko thought it was a good application. Mr. Steib listed the Board's conditions.

Motion to approve with conditions: Mr. Josko

Second: Mr. Krupinski

Ayes: Mr. Caccamo, Councilmember Dougherty, Mr. Hawley, Mr. Josko, Mr. Krupinski, Ms. Majewski, Dr. Zuzulock, Mr. Kurdes, Ms. Walter, Vice Chair Neff, Chair McGoldrick

Nays: None

Abstain: None

Absent: Mr. Boms, Mr. Berth

Prior to hearing the next application, the Board took a break at 9:00pm and returned at 9:07pm.

PB23-01: Kennedy-Wright – 3 Beverout Pl., B6 L1.02 – Addition and Pool

Mr. Steib reported that the Board has jurisdiction and listed the exhibits. With the application involving a d variance, Councilman Dougherty stepped down. Dr. Zuzulock stepped down due to her relationship with the applicant.

Mark Aikin, applicant's attorney, described the proposed project and described the lot.

Anthony Busch, Jr. was sworn in as the applicant's architect. He noted the lot's characteristics and his thought process for the proposed project. Mr. Aikin asked him to describe the state of the existing foundation and the square footage of the front entrance. Mr. Matlack asked if there was an existing basement or cellar.

Chair McGoldrick opened the floor for public questions but there were none.

Douglas Clelland was sworn in as the applicant's engineer and described the property, the lot, and the proposed project. He noted the existing nonconformities and listed variances sought. Mr. Matlack agreed with Mr. Clelland's calculations. Mr. Clelland described the stormwater management, the steep slope, and the septic system. Mr. Matlack asked if the proposed drainage system would account for emergency overflow. He asked of the proposed pool's impact on the septic system, grading from the pool, and justification for proposed location of the pool. Mr. Matlack asked if a geological study was done. Mr. Kurdes asked if the septic system could handle the addition. Mr. Josko asked if the pool's slope would impact neighboring properties. Mr.

Krupinski asked about the existing condition and landscape of the proposed pool location. Ms. Majewski asked about the pool's slope and its drainage plans. Chair McGoldrick expressed concern of the steep slope, disturbance of the soil and asked if the Board should request for a geological report. Mr. Matlack supported request for a geological report. Mr. Caccamo thought it was more of a drainage issue than a steep slope issue. Discussion of steep slope, steep slope ordinance, and geological study ensued among Ms. Majewski, Mr. Krupinski, Mr. Kurdes, Chair McGoldrick, and Mr. Matlack. Mr. Aikin suggested that the applicant can provide soil boring sample and will proceed further if the Board engineer deems necessary.

Ms. Walter expressed concern of the pool's location to neighboring properties' septic systems. Corrine Cantalino was sworn in to testify about the location of her septic system. Mr. Aikin stated that the applicant can research further of other neighbor's septic systems. Ms. Cantalino asked about soil composition and the digging for the pool's impact to her property.

Mr. Clelland addressed points from the Board engineer's report. Mr. Matlack asked about the fencing situation. Mr. Krupinski asked how the application would be affected if there was no pool proposed and asked about the existing garage.

Chair McGoldrick opened the floor for public questions but there were none.

Barbara Ehlman was sworn in as the applicant's planner and proceeded to describe the lot and property. She explained the d variance sought and variances sought. She described the proposed project and its impact on the neighborhood.

Chair McGoldrick opened the floor for public questions but there were none. He then opened the floor for public comment.

Anthony Stucco was sworn in as the neighbor to the south of the applicant and voiced his support.

Blake Decan was sworn in as a neighbor and voiced his support.

Michael Pado/Robin Ginsberg, via Zoom, was sworn in as a neighbor and voice her support.

Mr. Aikin summarized the application and thanked the Board and Mr. Matlack.

Ms. Majewski stated that the proposed pool and its drainage gives her pause. Vice Chair Neff and Mr. Josko concurred that the application without the proposed pool would be an easier decision. Ms. Walter repeated her concern of the unknown distance of the proposed pool and the neighboring septic system locations. Chair McGoldrick appreciated the applicant's agreement to the 2-step geological study. Mr. Kurdes noted that the professionals would make the determination based on the study. Mr. Krupinski voiced his support of the applicant's suggested 2-step study and agreed that the application without a proposed pool would be an easier decision. Mr. Matlack clarified lot coverage, impervious area, and distance from septic systems. Mr. Caccamo believed that the proposed project is a great contribution to the area; that the pool wouldn't have a great impact to the area; and that the Borough had approved pools on steep slope before. Mr. Kurdes noted that the proposed pool is small. Chair McGoldrick agreed with Mr.

Caccamo but noted that the Board needs to address steep slope when it's in the application. Mr. Steib summarized the Board's conditions.

Motion to approve with conditions: Mr. Krupinski

Second: Mr. Caccamo

Ayes: Mr. Caccamo, Mr. Hawley, Mr. Josko, Mr. Krupinski, Mr. Kurdes, Chair McGoldrick

Nays: Ms. Majewski, Vice Chair Neff

Abstain: None

Ineligible: Councilmember Dougherty, Dr. Zuzulock

Absent: Mr. Boms, Mr. Berth

Adjournment: Mr. Krupinski motioned and Vice Chair Neff seconded. All in favor. Meeting adjourned at 10:33pm.